



An
Bord
Pleanála

Inspector's Report ABP-316594-23

Development

Planning permission for veterinary clinic and yard, sewage treatment system and percolation area, internal road and car parking, realignment of access junction onto R341 to include local road widening and new footpath and all ancillary site works and services.

Location

Ardbear, Clifden, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

22/60906

Applicant(s)

Western Veterinary

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party(s)

Appellant(s)

- (1) Mr & Mrs M Sullivan v Decision
- (2) Sandra & Lisa Glynn v Decision

Observer(s)

None

Date of Site Inspection

15th day of February 2024

Inspector

Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ardbear, Clifden, County Galway, approximately seven hundred metres south of the town centre of Clifden and within the settlement boundary as set out within the current Galway County Development Plan 2022-28. The surrounding area is primarily agricultural in character with a dispersed settlement pattern of individual dwelling houses and agricultural buildings as well as the Clifden Rugby Football Club which is located approximately 100 metres south-east of the appeal site.. Immediately east and north of the site are undeveloped agricultural lands, to the south is a local county road used to access the Clifden RFC and a number of Individual dwellings and to the west is the R341, a regional route that connects Clifden with Ballyconneely.
- 1.2. The appeal site has a stated site area of 0.85 hectares and comprises an elongated section of undulating agricultural land, the site levels rise from the south towards the north and continues to rise further north and outside of the appeal site. There is an existing agricultural gated access to the appeal site off the local county road to the south of the appeal site. There is a post and wire fence and hedgerow boundary along the appeal site boundaries with some furze bushes and trees dispersed throughout the site.

2.0 Proposed Development

- 2.1. The development proposal relates to the following elements:
- Planning permission for a veterinary clinic building with a floor area of 317.25 square metres and yard area.
 - Wastewater treatment system and percolation area.
 - Internal road and car parking.
 - Realignment of access junction with the R341 to include widening of local access road and construction of footpath.
 - All ancillary site works and services.
- 2.2 It is stated that the veterinary facility would only serve large farm animals as well as providing treatment for horses. The applicants state that their services serve the

agricultural community within the wider Connemara area. The applicants are currently based at the Clifden mart site within the Clifden Business Park on the Galway Road out of Clifden and the accommodation is stated to be sub-optimal for treating or housing of large farm animals in particular, which are often treated within the open car park area.

2.3 Wastewater from the veterinary facility would be disposed of to a proposed wastewater treatment system whilst water supply is available from the public watermains. It is also proposed to recycle rainwater from the roof of the veterinary clinic and to re-use it to serve the water needs of the proposals. Access to the site at present is via an agricultural gate to the south of the appeal site from the local access road. It is proposed to upgrade this agricultural access, to widen the local access road and realign the junction of the local access road with the R341 and construct a footpath along the full extent of the site frontage from its entrance ad all along its western boundary back towards Clifden town. There is an existing footpath and streetlighting along the western (opposite) side of the R341 connecting this area back into the town of Clifden.

2.4 Further information was submitted in relation to the following: Monitoring of the trial holes for the wastewater treatment system and percolation areas; Photographic images of the trial holes. Redesigned and rotation of the veterinary clinic building and the lowering of finished floor levels and reduced ridge height of building: The veterinary building has been moved in an easterly direction to accord with setback standards as set out within the Development Plan and details of signage have been submitted.

2.5 A number of supporting documents have been submitted by the applicants in support of their proposals including a Nutrient Management Plan (NMP), an Appropriate Assessment (AA) screening document, A Stage 1 Road Safety Audit (RSA), a cover letter from the applicants addressing the planning rationale for the proposals, a letter of support from the local chamber of commerce and a number of letters of support from farmers throughout Connemara in support of the proposals.

2.6 The Planning Authority screened the proposals for Appropriate Assessment and determined that the development individually, or in combination with other plans or projects would not be likely to have a significant effect on any European site and that a Stage 2 AA is, therefore, not required. The Planning Authority conducted a preliminary screening of the proposals in relation to Environmental Impact Assessment (EIA) and

determined that there is no real likelihood of significant effects on the environment arising from the development, in the context of the EIA legislation and therefore, the need for EIA can be excluded at preliminary examination stage. A preliminary flood risk assessment (FRA) was also conducted by the PA which noted that the site is located outside of any identified flood risk zone and that the submission of a flood risk assessment would not be required.

3.0 Planning Authority Decision

3.1 Notification of a decision to grant permission for the development was issued by the Planning Authority subject to twenty-four conditions. Several of these conditions are of a standard nature and relate to matters including waste management, wastewater treatment, services, signage, landscaping, and development contributions. However, the following conditions are of note:

Condition number 3: Materials and external finishes.

Condition number 4: Specific uses permitted within the veterinary clinic building.

Condition number 5: Hours of operation of veterinary clinic.

Condition 7: Signage.

Condition 9-11 inclusive: Waste disposal

Condition 13: Wastewater treatment.

Condition 15: Landscaping.

Condition number 16: Road opening licence.

Condition number 17: No parking of vehicles on adjacent roads.

Condition number 18: Maintaining sight distance triangles.

Condition number 19: Boundary treatment.

Condition number 21: Construction hours.

Condition 23: Phasing of development.

Condition 24: Development contributions.

3.2 Planning Authority Reports

Initial Planning Report:

- 3.2.1 Planning Reports-The Planner noted the location of the site within the settlement boundary of Clifden as set out within Vol 2 of the current Galway County Development Plan (GCDP) 2022-28. The appeal site has the benefit of an agricultural land use zoning objective. The planner references a number of policy objectives within the Development Plan which are relevant to the current proposals and include those in relation to development in small growth towns, business and enterprise, agriculture, landscape sensitivity natural heritage and development of healthcare/veterinary facilities. The Transportation Section within the Local Authority (LA) outlined no objections to the proposals, The Planning Authority were satisfied in principle that the proposals were suitably located. Further information was sought in relation to wastewater treatment, conducting a visual assessment of the facility building, setting back of the building from the adjoining regional road carriageway and details of signage.

Subsequent Planning Report:

- 3.2.2 The Planning Authority (PA) conducted an assessment of the further information response. The PA were satisfied that the wastewater treatment proposals accorded with the EPA best practice guidance. The Veterinary facility building was moved further east within the site, further away from the R341, the height and finished floor levels were reduced and the building re-orientated. Photographic images of the proposals were submitted and the signage proposals on the elevations were also

submitted. The PA were satisfied that the proposals would accord with the zoning objective and with the proper planning and sustainable development of the area.

3.3 Internal reports

Roads and Transportation Department: No objections, subject to conditions.

3.4 Prescribed Bodies

No comments received.

3.5 Observations

Two third party observations were received from residents who reside in proximity to the appeal site and the issues raised are similar to those raised within the appeal submissions. The issues raised include the following:

- Adverse impact upon residential amenities.
- Increased traffic on a local county road in proximity to a junction with a regional road.
- Design and layout is inappropriate on prominent site.
- Proposals would be visually prominent within the local landscape.
- Proposals would result in a devaluation of local properties.

4.0 Planning History

4.1 I am not aware of any relevant planning history pertaining to the appeal site.

5.0 Policy and Context

5.1 Clifden Small Growth Town Plan 2022-2028

Volume 2 of the Plan includes a settlement Plan for the small growth town of Clifden. The appeal site is located within the designated settlement boundary of Clifden on lands that have the benefit of an agricultural land use zoning objective. A veterinary surgery use is one that is open for consideration on agricultural lands.

Section 5.2 of the Plan sets out the context for the town within the broader County of Galway as: The town of Clifden is the main urban settlement serving the Conamara area as well a considerable rural hinterland in the west of the county.

Section 5.3.5 sets out the following in relation to employment and economic development: Given the town's location, it is considered likely that most new employment creation will be generated by smaller and medium sized local enterprises / service providers.

A specific policy objective in relation to business and enterprise is included within the Plan:

CSGT 4 Business & Enterprise

To facilitate the expansion of businesses and enterprises uses in the plan area of Clifden where appropriate and to facilitate the provision of further local employment opportunities in accordance with the proper planning and sustainable development of the area.

SGT 12 High Quality, Contextually Sensitive Design

5.2 Galway County Development Plan 2022-2028

The Elected Members of Galway County Council adopted the Galway County Development Plan 2023-2029 on the 9th day of May 2022, and it came into effect from the 20th of June 2022.

Section 2: Settlement Strategy

Within the designated Small Growth Towns with local service and employment potential, there is a need to promote regeneration and revitalisation of towns and support local enterprise and employment opportunities to ensure their viability as service centres for surrounding rural areas.

Section 2.4.9 sets out that: Economic and employment related development that would strengthen the local employment base and reduce the dependence on commuting will be supported where appropriate.

S5 Small Growth Towns (Level 5)

Protect and strengthen the economic diversity of the *Small Growth Towns* enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands.

Section 4.12 -Equine Industry

Policy objective EQ1: To support and promote the equine industry in the county as an economic and employment provider and welfare service in accordance with the proper planning and sustainable development of the area.

Section 5-Economic Development:

Table 5.4 sets out an economic appraisal for the various settlements within the County.

The following is set out for the small growth towns including Clifden:

High levels of population growth and a weak employment base. / Local service and employment functions in close proximity to higher order urban areas.	Improve employment prospects and sustainable transport options
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Section 8: Landscape

Map 8.1 the appeal site is located within a coastal landscape which has a landscape sensitivity rating of 3-a special landscape with a high sensitivity to change.

There are no designated protected routes in the vicinity of the appeal site as per Maps 8.3 of the Plan.

Map 8.4 relates to protected views. There are two protected viewpoints as set out within Map 8.4, VP's 4 and 5, which both relate to views over Ardbear Bay, further south-west and removed from the appeal site.

Section 10: Natural Heritage

Policy Objective NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species:

Protect and where possible enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts) and extend to any additions or alterations to sites that may occur during the lifetime of this plan.

Protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI 94 of 1999).

Support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network.

Policy Objective NHB 2 European Sites and Appropriate Assessment

To implement Article 6 of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011. All such

projects and plans will also be required to comply with statutory Environmental Impact Assessment requirements where relevant.

NHB 3 Protection of European Sites

No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects.*

Section 15-Development Management Standards

DM Standard 56: Health Centres/Services, Primary Health Centres, Medical Consultants and Veterinary Surgeries

Planning applications should include details of proposed professional medical activities, proposed number of practitioners and support staff, parking provision and intended hours of operation.

The location of New Health Centres/services, Primary Health Centres, Medical Consultants and Veterinary Surgeries is favoured in towns, villages and local centres with good accessibility.

5.3 Natural Heritage Designations

- 5.3.1 The closest designated European Sites are the Galway Bog Complex SAC (site code 002034) located approximately three hundred and twenty metres south-east of the appeal site and the Twelve Bens/Garraun Complex SAC (site code 002031) located approximately four hundred and thirty metres north of the appeal site. The

Galway Bog Complex SPA (site code 004181) is located approximately 1.7 kilometres south-east of the appeal site.

5.3.2 The closest Natural Heritage Area (NHA) is the Galway Bog Complex NHA (site code 002034), which at its closest point is located approximately three hundred and twenty metres south-east of the appeal site boundary.

5.4 Environmental Impact Assessment-Preliminary Screening

An Environmental Impact Assessment Screening report was not submitted with the application.

The development does not readily fall within any of the classes of development set out within Schedule 5, Parts 1 or 2 of the Planning and Development Regulations 2001 (as amended) which provides that mandatory EIA is required for certain classes of development: Schedule 5, part 2, Class 10(b) (iv) relates to infrastructural developments in urban areas as follows:

- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The proposal is located within the designated settlement boundary of Clifden as set out within the current GCDP 2022-28. The veterinary clinic building would have a floor area of approximately 372 square metres and is located on a site area of 0.966 hectares. The area of the appeal site is, therefore, well below the threshold of 10 hectares for development within urban areas not being located within a business district. Therefore, the area of the appeal site is well below the threshold of 10 hectares. It is noted that the site is not located within an area of landscape sensitivity or of cultural heritage. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would be connected to the public watermains and correspondence from Irish Water has been submitted setting out that there is capacity within the water mains network to service the veterinary facility. Wastewater

outfall would be to an on-site wastewater treatment system which according to the Site Characterisation Report (SCR) would accord with best practice EPA guidance and standards and would be constructed and operated in accordance with current EPA standards.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10(b) (iv) – Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on agricultural zoned lands a site within the designated settlement boundary of Clifden on zoned lands where there is public watermains available,
- The results of the strategic environmental assessment of the Galway County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the control measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, having regard to the nature and scale of the proposed development within the settlement boundary of Clifden on zoned agricultural land which is serviceable with a proposed connection to the public watermains and to the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

6.0 The Appeal

6.1 Grounds of third-party appeal

The issues raised within the third-party appeal submissions, received from two families who state that they reside along the local access road to the south of the appeal site, on the eastern side of the R341 and within the townland of Ardbear, Clifden, the same townland as the appeal site. The issues raised relate to the following:

Principle of Development:

- The appeal site lands are zoned agricultural within the Development Plan. If approved, this proposal would open up the area to other commercial businesses.
- A veterinary surgery use is not listed as a permitted use on agricultural (A) zoned lands within the zoning matrix, but rather, it is a use that is open for consideration on agricultural zoned lands.
- Although the appeal site is located within the Clifden settlement boundary., the character of the appeal site is rural.
- The proposal would be contrary to national and local policy regarding support for compact urban growth, encouraging the use of infill and brownfield sites and the protection of greenfield sites on the perimeter of towns.
- Proposals would be contrary to Section 4.13 within the Development Plan relating to establishing new employment opportunities on zoned serviced lands within the settlement and policy objective CD1 relates to establishing rural enterprises within existing farm buildings on brownfield sites.
- The proposals would be contrary to policy objective CSGT1 in relation to promoting sustainable tourism development.
- A commercial development of this scale should be directed to a location with suitable wastewater and roads infrastructure.

Residential Amenity:

- The Planning Authority (PA) set out that there would be no adverse effect on the residential amenity of neighbouring residents by reason of adverse visual, noise, odour and light impacts as well as overlooking and traffic disturbance,
- The proposals would impact the bedroom areas of neighbouring dwellings, particularly at the entrance area.
- The proposal would adversely impact an established tourist accommodation business, reliant on the amenity and rural character of the area, with adverse noise, traffic and visual impacts.
- The proposals would introduce an intensive commercial development into a predominantly rural/agricultural/residential area.
- The appeal site has been used by farm animals for grazing purposes and the proposals would introduce potential disturbances in the form of traffic, light and odour pollution.
- The veterinary business would include the provision of out of hours services and negatively impact upon the residential amenities of neighbouring residents.

Design and layout:

- The veterinary clinic building would create an adverse visual impact.
- The development would be overbearing and out of scale and character at this location.
- The appeal site does not have the benefit of any significant visual screening and is visually exposed.
- The appeal site comprises a visually prominent parcel of land.
- The appeal site is elevated above the adjoining road network.
- Notwithstanding the revisions to the design and layout, submitted as part of the further information response, the veterinary clinic building will be located on a high point within a prominent site within the appeal site. The development is at variance with the Development Plan policy regarding siting and design in that the site is visually prominent, elevated, and exposed.

- The length of the access road would also contribute to the absence of integration within the local landscape.
- The development will adversely impact the character of the local landscape and neighbourhood.
- Proposals are contrary to policy objective RD3 which seeks to appropriately site all buildings sympathetically within their surrounds.
- The proposal removed from the town centre represents unplanned, uncoordinated, and piecemeal development.

Landscape:

- The proposal would erode the landscape value and rural character of the area and establish an undesirable precedent.
- The appeal site is located within an uplands bog landscape which is sensitive to development.
- The site would be visible from the local road network, in particular from the R341. designated as a scenic route within the Development Plan-landscape.
- The appeal site does not have the benefit of any significant visual screening and is exposed.

Traffic:

- Sightlines at the entrance point are substandard in terms of accommodating the increased traffic levels generated by the development. This is due to the proximity to a road junction with the R341 and a bend on the local road, to the north-east.
- The new entrance would adversely impact their domestic entrance, a double lane on the local access road would adversely impact visibility at the junction.
- The proposals would result in a significant increase in traffic levels in the area and result in increased noise and pollution.
- The proposal could lead to queueing at the junction of the local road with the R341.

- The increased traffic levels, particularly by larger vehicles could adversely impact the guests entering/exiting the neighbouring guest accommodation.
- The existing local road does not have footpaths nor street lighting and traffic levels are currently low on this local road. The proposals would result in an intensification of use of this local road and pose a serious traffic safety risk to vulnerable road users, children and pedestrians.
- The adjoining local road is substandard in terms of carriageway width and alignment.
- The road access would exacerbate health and safety issues. This road currently used to access the rugby club and a number of one-off dwellings and is used by kids for picking berries and pony trekking.
- Emergency services have been impeded accessing the rugby club grounds by parked traffic along the local access road.

Other Issues:

- The Planners Report sets out that the development is: Generally, visually acceptable and would: Generally, comply with guidance.
- The proposals would establish an undesirable precedent for other commercial businesses and other people are being refused planning permission for housing in the area.
- The Planning reports do not provide a comprehensive analysis of the key issues raised in the third-party submissions.
- The proposal would adversely impact the wildlife in the area, including habitats and migrating bird species.
- Comments from the National Parks and Wildlife Service or Birdwatch Ireland were not sought.
- Within the Landscape Character Assessment (LCA) for the County, the appeal site is located within an uplands bog landscape, an area designated as being sensitive to development and having open views.
- The proposal would result in a devaluation of neighbouring properties by virtue of the potential for adverse noise, traffic, and odour impacts.
- The stream at the site entrance would be adversely impacted by road widening proposals.

6.2 Applicant Response to third party appeal submissions

The applicants have issued a response to the issues raised within the third-party appeals as follows:

Principle of Development:

- The appeal site is located within the designated settlement boundary for Clifden and zoned for agricultural purposes as per the current Galway County Development Plan 2022-28.
- Within the zoning matrix LU2, a veterinary use is open for consideration on agricultural zoned lands.
- Veterinary surgeries are only open for consideration on certain land use zonings, The town centre/commercial zoned lands within Clifden town centre are already developed, the veterinary use would not be suitable on residential zoned lands and only two sites are available on business and enterprise zoned lands, neither of which are owned by the applicants.
- The facility would be used to service large farm animals and horses and therefore, would not be suited to an urban setting and would need to be located in an out-of-town location.
- The Planners report considered the proposals in detail, following the receipt of the further information sought and concluded that the development proposals are in accordance with the proper planning and sustainable development of the area and would not significantly affect the amenities of adjoining properties or of the area.

Residential Amenity:

- The opening hours of the facility will be restricted to those set out by the Planning Authority within condition number 5 of their decision, that is between 9.30 and 5.30 Monday to Friday and 9.30 to 12 midday on Saturdays, Opening is not permitted outside of these times, except in exceptional circumstances as guided by animal welfare and the professional expertise of the attending veterinary surgeon.

- The clinic has also been specifically conditioned (number 4) for the treatment of large farm animals and horses. The centre would be operated by appointment only and traffic levels would be seasonal.
- Condition number 8 of the permission sets out that no floodlighting or external lighting shall be erected on site without a prior grant of planning permission.
- The noise generated at the veterinary facility will be minimal as animals/trailers will be driven inside the veterinary building for treatment.

Design and Layout:

- The veterinary clinic building will be located within a natural hollow within the site with ground levels rising to the rear and sides as demonstrated on the site survey map, submitted as Figure 6 within the applicants' response to the third-party appeals.
- As part of the revised proposals submitted as part of the further information response, the veterinary clinic building has been relocated further east within the site, the finished floor and ridge levels have also both been reduced.
- The veterinary clinic building has been designed as an agricultural style building as verified within the photomontages and to assist in assimilating it within the local landscape.
- The; location of the clinic building within a hollow within the site and the use of the agricultural style external finishes will as well as the maintenance and augmentation of existing landscaping on site will assist in assimilating the building into the surrounds.
- The veterinary clinic building could be constructed as exempted development in its current location under the provisions of Schedule 2, Part 3, exempted Development-Rural Class 9 provision of shed store as set out with the Planning and Development Regulations, except that the use is as a veterinary clinic.
- Photomontages of the development from three vantage points were also submitted as part of the further information response and demonstrate that the building will assimilate appropriately within the local landscape.

- The Council deemed the revised building design and location, including the photomontages as being acceptable.

Landscape:

- The site benefits from mature planting along the roadside boundary and throughout the site which assist in the assimilation of the building within the site.
- The development will not have an adverse impact on the local landscape or neighbourhood, as demonstrated within the photomontages submitted.

Waste disposal, surface water management and Wastewater:

- A Nutrient Management Plan (NMP) has been submitted by the applicants estimating the quantities of dry bedded waste and wash waters that will be generated by the development.
- A manure store and a wash water holding tank of adequate capacity are proposed.
- The waste will be managed by a local licensed contractor who will spread on his farmlands in accordance with best practice Department of Agriculture guidance.
- A site-specific wastewater treatment system and soil polishing filter is proposed to serve the development.
- A Site Characterisation Report has been prepared including section drawings for the polishing filter and details of wastewater treatment system. The plant has a design capacity of 6PE. The actual wastewater flow would be less than that of an average domestic dwelling.
- Surface water will be managed on site by means of soakaways.
- Rainwater from the roof area of the veterinary clinic will be harvested and reused within the clinic. This will reduce the dependence on the public water supply.

- The appeal site is located within Flood Zone C. There is no history of flood events within the site or in its vicinity. The veterinary clinic building would be classified as less vulnerable development and is considered appropriate under DM standard 68 as per Section 15 within the Development Plan.

Appropriate Assessment:

- The appeal site is located approximately three hundred and twenty metres from the nearest European site, the Connemara Bogs SAC.
- The Appropriate Assessment (AA) screening report submitted by the applicants concluded no significant effects would arise upon the SAC as a result of the proposed veterinary clinic development.
- The Planning Authority screened the Development for AA and concurred with the conclusions of the AA screening document submitted by the applicants.

Traffic and Road safety:

- The proposals provide for the upgrade of the site entrance and the junction of the local road with the R341 including the installation of a footpath between the site entrance and the road junction with the R341.
- The new junction design has been informed by the recommendations included within the Stage 1 Road Safety Audit (RSA).
- All of the recommendations included within the RSA have been incorporated within the entrance and junction design.
- Dropped kerbs and tactile paving will be provided to connect the new footpath on the eastern side of the R341 with the existing footpath on the western side of the R341 which links directly back to Clifden town centre.
- The proposed junction and entrance works will improve the safety of the road junction with the R341.
- The Senior Engineer within the Roads and Transportation Section within the Local Authority outlined no objections to the entrance and junction proposals subject to a number of conditions.

- During the busy months from March to June, it is expected that between 5 and 10 jeeps and trailers would be expected to visit the veterinary clinic daily. The remainder of the year would be dependent on emergency cases/sick animals and for long periods of time there would be no appointments or at most 3 or 4 jeeps and trailers per day.
- The traffic levels to and from the clinic will be low.
- The neighbouring rugby club grounds are open for training from Tuesday evening to Friday evening between the hours of 6pm and 9pm and hosts approximately sixty matches per year between September and May. Therefore, there will be little or no crossover between the rugby club traffic and the veterinary clinic traffic.
- The rugby club received planning permission in the year 2021, planning reference number 20/1182 for new pitches, car parking and a new entrance directly onto the R341 further south of the existing junction. The new entrance to the rugby club would reduce the level of traffic on the local road once constructed and preparatory works on this development are due to commence in the near future.
- The entrance and junction upgrade works will make the local road infrastructure safer.
- Western veterinary will keep their main domestic pet clinic open at its existing premises within the Clifden business park and the new clinic will only be accessible by appointment only.

Other Issues:

- The appellants appear to wish for no development in the vicinity of their properties, despite the site being located within the settlement boundary of Clifden on appropriately zoned lands.
- The proposals comply with many policy objectives set out within the County Development Plan and the Small Growth Town Plan for Clifden.

- Request that the Board uphold the decision of the Planning Authority and grant planning permission for the development.

6.3 Planning Authority Response

None received.

6.4 Observations

None received.

7.0 Assessment

7.1 I note that the issues of traffic and access, design and layout, signage and waste management have been addressed satisfactorily within the application. Therefore, I consider that the key issues raised within the appeal are as follows:

- Principle of development
- Design and Layout
- Residential Amenity
- Traffic
- Wastewater/Water Supply and Surface Water Management
- Other Issues
- Appropriate Assessment

7.2 Principle of Development:

7.2.1 The appeal site is located within the settlement boundary of Clifden as set out within Volume 2 of the current Galway County Development Plan 2022-28 and has the benefit of an agricultural land use zoning objective which is: To promote the development of agriculture and agriculture related uses in accordance with proper planning and sustainable development. To facilitate the further development of agriculture and facilitate opportunities for farm diversification with agriculture related uses. I consider that the veterinary surgery use would promote the development of an agricultural related use, given its purpose is specifically set out to treat large farm

animals and horses and has been permitted for this specific use by the Planning Authority under condition number 4 of the Local Authority decision.

- 7.2.2 A veterinary surgery use is one that is open for consideration as per the zoning matrix set out within Volume two of the Development Plan, Section 4.5. The type of development envisaged on agricultural zoned lands is: To facilitate the further development of agriculture and facilitate opportunities for farm diversification with agriculture related uses. I am satisfied that the veterinary clinic would facilitate the development of agricultural facilities whereby large farm animals would be treated if unwell or injured and similarly horses, for which Connemara is renowned. The proposals would facilitate an agricultural related use, given the proposals are specifically to treat large farm animals and horses and not small domestic animals, which will be treated within the applicants Business Park facility.
- 7.2.3 Therefore, the proposals will be considered on their planning merits and subject to a suitable design and layout, that the proposals would not adversely impact the local landscape, and that the traffic, waste and wastewater proposals are adequately addressed. Impact upon natural heritage and European sites will also be considered.
- 7.2.4 The applicants have stated within their response to the third-party appeal statements that there are no town centre or commercial lands available within the settlement of Clifden for the development of a veterinary facility of this scale. They acknowledge that residential lands would be unsuitable for the siting of the veterinary surgery and that there are two plots of undeveloped business and enterprise zoned lands available and that neither are owned by the applicants. Given that the proposals are stated to relate largely to the treatment of large farm animals and horses, I am of the opinion that it would not be appropriate to locate the proposed veterinary facility within a Business Park setting in proximity to general business and enterprise units, given the nature of the proposed facility.
- 7.2.5 With the location of the appeal site on the southern periphery of the Clifden settlement boundary, the veterinary surgery facility is considered to be an acceptable use in principle given the rural character of the area and the proximity of agricultural lands within the wider Connemara area, an area which is renowned for horse breeding and trading (Connemara ponies). In this respect, it is of relevance to note

that the site is somewhat isolated from surrounding residential properties. The nearest neighboring residential properties are located in excess of 150 metres removed from the veterinary clinic building to the south of the appeal site.

7.2.6 The development is considered to comply with a number of policy objectives within the County Development Plan, in particular section 4.12, policy objective EQ1 in relation to promoting and supporting the equine industry. Section 5.3.4 within the Clifden Small Growth Town Plan specifically references supporting small scale business and enterprise. I consider that the current proposals would accord with the provisions of the plans.

7.2.7 The applicants state that the veterinary facility will specifically relate to the treatment of large farm animals and horses. Therefore, the proposal would require an environment where there would be limited noise from heavy traffic and removed from an area where the general public would circulate and would require a relatively large site area in order to meet those site-specific locational requirements. The appeal site, located within the designated settlement boundary of Clifden on agricultural zoned lands, yet removed from a busy town centre or Business Park location and yet in proximity to the town and benefits from being connected to the town centre by footpath and serviceable with a connection to the public watermain. This site location would represent a sustainable proposal where employees could potentially walk to work from the town centre. The facility is also in proximity to the rural catchment population within the wider Connemara area that the large farm animal veterinary surgery is envisaged as serving, as set out within the cover letter submitted by the applicants and within the letters of support submitted by a number of farmers/equine facilities throughout the wider Connemara area. Therefore, I consider that in principle, the appeal site could be deemed suitable, subject to a suitable design and layout being presented as well as matters in relation to traffic, water and wastewater services and residential amenity are adequately addressed. These are matters that will be addressed in detail within the assessment below.

7.3 Design and Layout

7.3.1 The design and layout of the proposals was queried by the Planning Authority and the applicants submitted revised proposals as part of their further information

response. The proposed veterinary clinic building has been relocated in an easterly direction on site so that it is now located in excess of the twenty-five metres distance from the adjoining R341 carriageway in order to comply with the provisions of DM Standard 56 as set out within the Development Plan. The revised location is on a less elevated part of the site, within a hollow area. The building has been re-orientated and the finished floor levels were reduced as was the ridge height of the building, which has a maximum ridge height of approximately 5.2 metres.

7.3.2 I consider that the revised location of the veterinary clinic building, submitted as part of the further information response to be acceptable. I note that the design is akin to that of an agricultural building in terms of having napp plaster rising walls topped with a dark green corrugated cladding within the upper rising walls and roof area. I consider the design appropriate within this location, given its location on agricultural zoned lands and that the veterinary facility would serve the rural hinterland of Clifden and the wider Connemara area. I note that the applicants have submitted proposals for the augmentation of the existing landscaping within the appeal site, a matter that can be addressed by planning conditions. I consider that the design and layout is appropriate within this appeal site and would be similar to that of an agricultural structure. The issues in relation to external finished and roofing materials are matters that can be addressed by means of an appropriate planning condition.

7.3.3 The applicants have submitted photomontages from three vantage points illustrating the existing situation with no building on the site and images illustrating the site with images of the proposed veterinary clinic building on site. I am satisfied that the proposed veterinary clinic building will assimilate appropriately within the local landscape and the appeal site. This would accord with policy objective SGT12 in relation to high quality sensitive design.

7.4 Residential Amenity:

7.4.1 The appellants raised issues in relation to their residential amenities being adversely impacted by the proposals. It is apparent from a perusal of these appeal submissions that the appeal site is located within the settlement boundary of Clifden on agricultural zoned lands. The site is surrounded by a mixture of residential (phase 1), amenity and recreation and community facility zoned lands further north, south, east,

and west of the appeal site. These lands are all located within the settlement boundary of Clifden as set out within the Clifden Small Growth Town Plan 2022-28. This is apparent from the planning report prepared by the Planning Authority and re-iterated within Section 7.2 of this report. The appeal site lands are zoned specifically for agricultural use and a veterinary clinic use is open for consideration on these lands. The current proposals will be assessed on their planning merits.

7.4.2 Given the nature of the proposed development, it is considered that perhaps the most significant cause of concern for local residents arises in respect of impacting on the residential amenity of surrounding properties through excessive noise levels generated by the traffic entering and exiting the veterinary clinic facility. and the overall nuisance associated with the large farm animals that would be treated on site. Whilst I would acknowledge the appellants concerns in this regard and their observations that they currently experience traffic disruption associated with the neighbouring rugby club facility. The appellants state that the veterinary facility operations on the site would disrupt the enjoyment of their dwelling houses and their gardens, it is of relevance to note the separation distance between the appeal site and the appellants properties (being in excess of 150 metres), the existence of existing natural hedgerow screening within and around the perimeter of the appeal site, the landscaping proposals to provide additional screen planting within the appeal site boundaries. The facility is stated to operate on an appointment only basis, and therefore, traffic levels would not be excessive. This is a matter that will be addressed in greater detail within Section 7.5 below.

7.4.3 The Planning Authority have included a number of planning conditions within its planning decision. These include condition number 5 which pertains to the opening hours of the facility between the hours of 9.30 and 17.30 from Monday to Friday and 9,30 to 12 midday on Saturdays. Condition number 8 which prohibits the use of external lighting on the veterinary clinic building. In terms of noise abatement, the applicants have designed the building so that the trailers and jeeps that would visit the facility would drive straight into the building and this would reduce the extent of noise that may be experienced. However the noise would be from the farm animals, which would be a common sound on farmlands in the vicinity of the appeal site. Horses were observed grazing the lands immediately north of the appeal site on the day of my site inspection. I am satisfied that with the inclusion of these planning

conditions, that the issue of adverse impact upon the amenities of neighbouring residents would not be so adverse as to recommend a refusal of planning permission.

- 7.4.4 Given the nature of the proposed development, it is clear that perhaps the most significant cause of concern for local residents arises in respect of impacting on the residential amenity of surrounding properties through excessive noise levels generated by the traffic entering and existing the proposed veterinary clinic facility. and the overall nuisance associated with the large animals that would be treated on site. Whilst I would acknowledge the appellants concerns in this regard and their observations that the currently experience traffic disruption associated with the neighbouring rugby club facility. existing kennel operations conducted from the site disrupts the enjoyment of their dwelling houses and their gardens, it is of relevance to note the separation distance between the appeal site and the appellants properties (being in excess of 150 metres), the existence of existing natural hedgerow screening within and around the perimeter of the appeal site, the landscaping proposal to provide additional screen planting within the appeal site boundaries. Condition number 5 of the Planning Authority decision also restricts the hours of opening to between 9.30am and 5.30 pm Monday to Friday and 9.30 to midday on Saturdays. This means there would be no activity on site on Saturday afternoons, Sundays nor Bank Holiday Mondays except in exceptional circumstances as guided by animal welfare and the professional expertise of the veterinary surgeon. Therefore, I am satisfied that the amenities of neighbouring residents would be adequately protected by the terms of the planning conditions.
- 7.4.5 On balance, I consider that the residential amenity of neighbouring residents would not be adversely impacted by the proposals. References are made to noise, light and odour pollution from the proposed veterinary facility by the appellants. I note the location of the proposed clinic building is in excess of 150 metres from the nearest residential properties to the south and south-east of the appeal site. I am satisfied that due to the generous separation distances to those nearest residential properties,

that the proposals would not adversely impact the amenities of neighbouring residents.

- 7.4.6 On the basis of the foregoing, I am satisfied that subject to the inclusion of conditions in relation to opening hours, the augmentation of the landscaping proposals and the omission of external floodlighting, that the development would not adversely impact the amenities of the area.

7.5 Traffic

- 7.5.1 Access to the appeal site is from a local county road, off the R341, a regional route that links Clifden with Ballyconneely. There is presently an agricultural gate at this location into an agricultural field. This entrance would be upgraded and the fenceline of the appeal side would be set back.

The fenceline along the road frontage of the local road would be set back in order to provide for a six-metre carriageway width as well as providing a new footpath which would connect into the existing footpath on the western side of the R341 which connects back into the town of Clifden.

- 7.5.2 These entrance and road junction proposals have been informed by the Stage 1 Road Safety Audit which made a number of recommendations, and which subsequently have been included within the entrance and junction design. I note the proposed veterinary clinic facility would be accessed by appointment only. The applicants also state that during the peak season between March and June that a between five and ten trailers and jeeps would visit the site on a daily basis and that for the remainder the year that between one and five jeeps and trailers would visit the veterinary facility. I consider that the entrance and junction design proposals have been specifically designed for the site and junction would result in increased vehicular and pedestrian safety at the road junction and in the vicinity of the appeal site. I note the relatively low levels of traffic that the facility would generate and that it is by appointment only and not accessible to informal drop-ins. The facility would also cater for large farm animals and horses only and not domestic pets, which will continue to be managed within their Business Park facility within Clifden. I consider

that the proposed access and traffic proposals would not result in the creation of a traffic hazard and would improve traffic and pedestrian safety in this area.

- 7.5.3 I also note that the Senior Engineer within the Roads and Transportation Section within Galway County Council raised no objections to the access, parking and upgraded junction arrangements subject to a number of conditions.

7.6 Wastewater, Water Supply and Surface Water

- 7.6.1 The applicants are proposing to install a secondary wastewater treatment system and soil polishing filter as part of their proposals. A Site Characterisation Report (SCR) was submitted by the applicants in support of their wastewater proposals. The applicants also submitted photographic images of the trial holes as part of their further information response.

- 7.6.2 The Site Characterisation Report (SCR) sets out that bedrock was encountered within the trial hole at 1.3 metres. The photographic images submitted as further information illustrate that water was observed within the trial holes (in November 2022) at a depth of 0.95 metres. The soil conditions found in the trial holes were stated as comprising clayey silt sand, pebbles, cobbles and boulders to a depth of 0.6 metres and sand with clay silt pebbles and cobbles from a depth of 0.6 metres to 1.3 metres. Percolation test holes were dug and pre-soaked. A T value of 12.33 was recorded.

- 7.6.3 Section 3.3 of the SCR sets out that the pre-soaking of the percolation holes was conducted on the 15th day of July 2022, yet the percolation tests are stated to have been conducted on the 2nd day of June 2022. I refer to Appendix D within the Environmental Protection Agency, Code of Practice, 2021 regarding percolation test procedures. Step 2 specifically sets out that trial holes should be pre-soaked twice from four and twenty hours before the start of the percolation test. It is clear from the information submitted that this requirement has not been met.

- 7.6.4 The times of the initial pre-soaks nor the second pre-soaks within percolation holes 2 and 3 have not been documented within the SCR. I note that the water within trial hole number 1 dropped at an accelerated rate. This would indicate the possibility

that the soils within this part of the appeal site are free draining. The applicants' SCR identifies that the appeal site overlies a Regionally Important Aquifer where the bedrock vulnerability is classified as "Extreme". The aquifer is classified as being poorly productive and a Ground Protection Response of R2 (2) is noted by the applicant. However, as per Appendix E of the EPA Code of Practice 2021, the lowest level of Groundwater Protection response that can be recorded for a poorly productive aquifer is R2 (1).

7.6.5 The Geological Survey of Ireland (GSI) website classifies the vulnerability of the aquifer as extreme with rock at or near the surface. Rock outcrops were evident throughout the appeal site. The SCR trial holes record that bedrock was encountered at a depth of 1.3 metres. The photographic images of the trial holes as included at the back of the SCR (dated July 2022) and the images included as part of the further information response (dated November 2022) included some angled/fractured rock at levels above the 1.3 metre depth. This again supports the information included within the GSI data which identifies bedrock within the bounds of the appeal site at or near the surface. The angled rock within the photographic images submitted by the applicants near the surface within the trial hole is not specifically referenced within Section 3.2 of the SCR regarding the profile of the trial holes.

7.6.6 Given the existence of bedrock within the subsoils and the fact that the appeal site overlies a regionally important aquifer where groundwater vulnerability is designated as "extreme", I consider that there is potential for untreated or partially treated waste to percolate through the free draining soils at an excessive speed and to adversely impact water quality within the underlying aquifer. I am not fully satisfied that the wastewater treatment proposals would not adversely impact upon groundwater, and, in turn, this could adversely impact the extremely vulnerable aquifer that underlies the appeal site.

7.6.7 Cumulatively, I note that there are a number (approximately six) other individual septic tanks/wastewater treatment systems immediately south and south-east of the appeal site. The cumulative impact of the current proposals in addition to the existing neighbouring treatment systems could further adversely impact groundwater quality. Notwithstanding that the development may come within the density of individual

treatment systems permissible within a particular hectare of land as defined within the EPA Code of Practice, I would note the potential cumulative impact of the foul waste generated by the current proposal in tandem with the foul waste generated by the concentration of neighbouring individual treatment systems could adversely impact upon groundwater quality. No groundwater qualitative analysis has been submitted in this instance to assess any potential cumulative impacts. Therefore, on balance, I am not satisfied that the applicants have demonstrated that the wastewater proposals would not have the potential to adversely impact water quality within the extremely vulnerable aquifer which underlies the site.

7.6.8 There is a surface water drain located in the south-western corner of the appeal site adjacent to the current field gate access. Rushes were noted on this lower (southern) part of the appeal site. These particular site features/characteristics are not referenced within the SCR submitted by the applicants.

7.6.9 In conclusion, notwithstanding the positive tests results recorded within the SCR, having regard to the classification of the underlying aquifer as having extreme vulnerability, the classification of the appeal site as having the highest vulnerability, the identification of bedrock at or near the surface within the GSI mapping, the anomalies in terms of the pre-soaking and testing dates, I am not satisfied that the applicants have demonstrated that the wastewater proposals would not have the potential to adversely impact the groundwater and the extremely vulnerable aquifer that underlies the site. Therefore, on balance, I consider the wastewater proposals could result in an adverse impact upon groundwater and public health and, therefore, would be contrary to the proper planning and sustainable development of the area.

7.6.10 I am advising, that as this represents a new issue, not raised by any of the parties to this appeal, under Section 137 (2) of the Planning and Development Act 2000 (as amended), the Board shall give notice in writing to each of the parties and to each of

the persons who have made submissions or observations in relation to the appeal of this new issue.

Water Supply:

7.6.11 The applicants propose to tap into the public watermains. Pre-application correspondence from Irish Water has been submitted indicating that there is adequate capacity within the public watermains to cater for the proposed veterinary clinic facility without an infrastructure upgrade requirement.

Surface Water management and flooding:

7.6.12 The appeal site is located within Flood Zone C as per the Clifden Small Growth Town Plan 2022-28. There is no history of flooding within the appeal site boundary as per the data included with floodinfo.ie. A veterinary clinic building is classified as less vulnerable development. The works are deemed appropriate under DM Standard FL1 regarding flood zones and appropriate land uses.

7.6.13 The applicants are proposing to install a rainwater harvesting system whereby the water from the roof area of the clinic building would be collected with an underground tank and re-used within the facility. This would reduce the water requirements from the public watermains from the development.

7.7 Other Issues

7.7.1 The appellants also reference the nuisance that they presently experience as a result of people entering and existing the rugby club grounds, further southeast of the appeal site. The applicants state that training at the rugby club facility takes place in the evening time between 6 and 9pm from Tuesday evening through to Friday evening and matches at weekends. These hours would not coincide with the permitted operational hours of the proposed veterinary facility. The rugby club received planning permission for an extension of their facilities and a new entrance

point further south of the appellants property and directly onto the R341 which would result in the rugby traffic being diverted off the local county road.

- 7.7.2 I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Light pollution

- 7.7.3 The applicants have stated that no light pollution would arise from the development as the Planning Authority have included a specific planning condition, number eight which precludes them from erecting outdoor lighting at the veterinary facility without a prior grant of planning permission. I am satisfied that a planning condition would address this matter appropriately.

7.8 Appropriate Assessment

- 7.8.1 The nearest Natura 2000 sites to the appeal site are the Galway Bogs Complex SAC (site code 002034) which is located approximately 320 metres south of the appeal site and the Twelve Bens/Garraun Complex SAC (site code 002031) which is located approximately 430 metres north of the appeal site.
- 7.8.2 The applicants submitted an Appropriate Assessment screening report, prepared by an ecologist as part of their planning documentation. This screening report concludes that no significant effects are likely to arise upon any European site as a result of the development. The Planning Authority also conducted an Appropriate Assessment screening exercise and similarly concluded that the development would not significantly impact upon a European site(s), by reason of the absence of a surface water hydrological connectivity between the appeal site and the nearest European site(s).
- 7.8.3 Section 3.2 of the screening report identifies that the appeal site as undulating with higher ground towards the north with some rock outcrop within this part of the site and wetter ground and some rushes to the south of the site. There is a field drain in

the south-western corner of the site which travels under the R341 in a westerly direction. There were rushes noted within this southern part of the appeal site adjacent to the field drain and field access area. The applicants state that there is no hydrological connectivity between the appeal site and the nearest SAC (as per the information tabulated within Table 3). Groundwater flow as the GSI mapping database is in a southerly direction from the appeal site towards the Connemara Bogs Complex SAC. This is not specifically identified within the AA screening report. The Conservation objective for this SAC is: To maintain or restore the favourable conservation status of habitats and species associated with the Connemara Bog Complex.

- 7.8.4 The applicants have addressed the issue of potential direct and indirect impacts associated with the development within Table 2 of their Screening Report. No direct impacts are identified by the applicants. Similarly, no indirect impacts were identified by the applicants due to the separation distance between the appeal site and the nearest European sites, and the fact that wastewater would be managed by an on-site wastewater treatment system. A Nutrient Management Plan was submitted outlining proposals for the management of animal waste generated on site. The applicants have identified the qualifying interests of the Connemara Bogs SAC within Table 3 of the screening report. I note that a number of the qualifying interest are specifically water related, in the form of coastal lagoons and oligotrophic waters. Map number 3 of the conservation objectives (www.npws.ie) specifically identifies coastal lagoons within this part of the SAC. Table 2 of the AA screening report sets out that there would be no reduction in conserved habitat as a modern high standard wastewater treatment system will protect water quality. However, this statement is based on the assumption that all of the information contained within the SCR stands up to scrutiny, is fully accurate and accords with EPA best practice guidance.
- 7.8.5 I refer to Section 7.6 of my report above regarding wastewater disposal from the development. The Site Characterisation Report (SCR) submitted includes a number of shortcomings. The AA Screening Report refers (Section 3.9-conclusion) specifically to the wastewater treatment proposals and that they are in compliance with the EPA Code of Practice Standards 2021. This assertion is based on the information included within the SCR submitted. Table 2 within the AA Screening Report states that the modern high standard wastewater proposals will protect water.

However, I am not satisfied that the SCR and wastewater details have demonstrated that groundwater would be fully protected due to the underlying bedrock features that exist within the site at or near the surface and having regard to the southerly flow of the groundwater in the direction of the Connemara Bogs SAC.

- 7.8.6 In conclusion, having regard to the nature and scale of the proposed development, and the proximity to the nearest European site(s), I am not satisfied that the applicants' have demonstrated that their proposals to install a secondary wastewater treatment system and soiled polishing filter accords with the standards as set out within the EPA Code of Practice 2021. Based on the information submitted, I am not satisfied that outfall from the wastewater treatment system would be of a high quality and may have the potential to adversely impact the Connemara Bog Complex SAC and its conservation objective, which seeks to maintain or restore the favourable conservation status of habitats and species associated with the European site and its qualifying interests, through the groundwater system. Therefore, it is considered that the proposed development has the potential to have a significant effect, individually, or in combination with other plans or projects, on the conservation objective of a European site(s). and would be contrary to policy objective NHB 3 of the Development Plan, regarding the protection of European sites.

Screening Determination

- 7.8.7 In accordance with Section 177U of the Planning and Development Act 2000 (as amended, and on the basis of the objective information provided by the applicants. I conclude that the proposed development could result in significant effects on the Connemara Bogs Complex SAC in view of the conservation objective and a number of the qualifying interest features of this site.

It is therefore determined that Appropriate Assessment (Stage 2), under Section 177V of the Planning and Development Act 2000 (as amended) of the proposed development is required.

8.0 Recommendation

- 8.1 I recommend that planning permission be refused:

9.0 Reasons:

1 Having regard to the soil conditions and the existence of bedrock at and/or near the surface within the appeal site and high water table, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and/or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health and contrary to policy objective NHB 3 of the Galway County Development Plan 2022-28, regarding protection of European sites.

2 On the basis of the information submitted with the application and appeal, with particular regard to a potential deterioration in groundwater quality as a result of the wastewater treatment proposals and the existence of bedrock within the site at or near the surface, as well as potential disturbance to habitats and species as a result of the potential groundwater connectivity, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Connemara Bogs Complex SAC (site code 002034), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

The issues raised in terms of Wastewater disposal and Appropriate Assessment potentially represent new issues and the Board may wish to circulate these matters to the parties in order to give them an opportunity to respond.

Fergal Ó Bric

